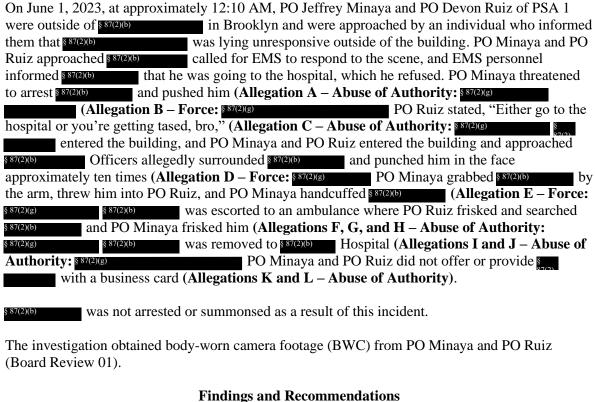
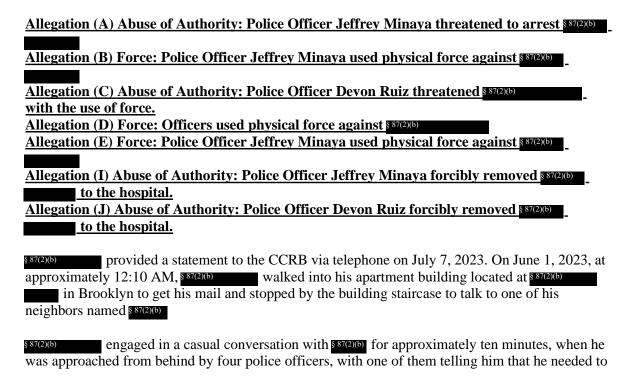
## CCRB INVESTIGATIVE RECOMMENDATION

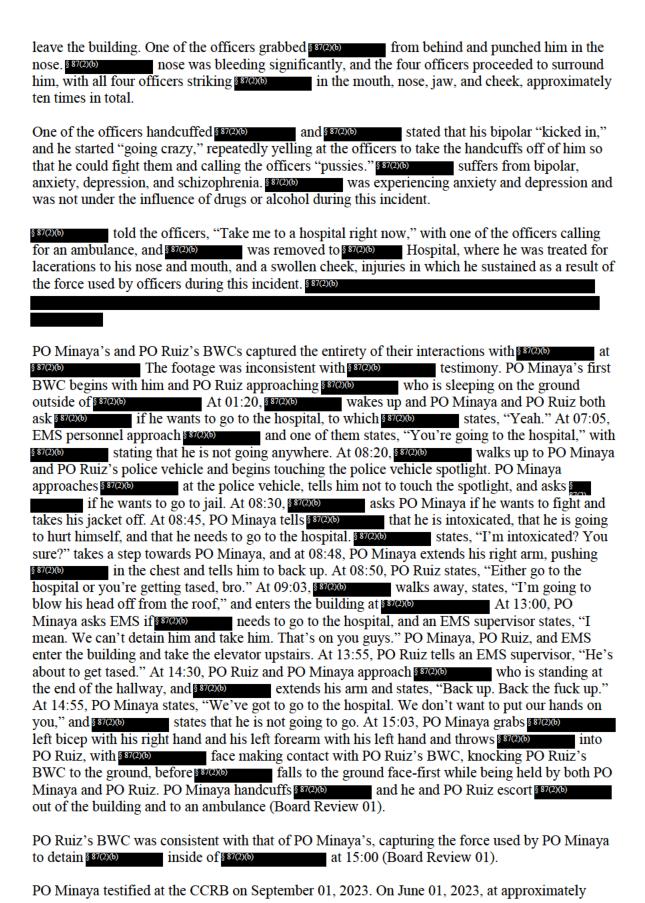
Investigator:		Team:	CCRB Case #:	V	Force		Discourt.		U.S.
Nick Kuczek		Squad #08	202305225	☑ .	Abuse		O.L.	V	Injury
Incident Date(s)		Location of Incident:		t	18 N	Mo. SO	OL	]	Precinct:
Thursday, 06/01/2023 12:10 AM	Л	§ 87(2)(b)			12	/1/202	4		78
Date/Time CV Reported		CV Reported At:	How CV Reported	l: :	Date/Tin	ne Reco	eived at CC	RB	
Thu, 06/01/2023 5:43 AM		IAB	Phone	,	Thu, 06/0	08/202	3 1:18 PM	[	
Complainant/Victim	Type	Home Addr	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. PO Jeffrey Minaya	22773	962622	PSA 1						
2. PO Devon Ruiz	19550	959168	PSA 1						
3. Officers									
Officer(s)	Allegatio	n			Inv	estiga	ntor Reco	nme	endation
A . PO Jeffrey Minaya	Abuse: P	olice Officer Jeffrey M	inaya threatened to a	arrest					
B . PO Jeffrey Minaya	Force: Po	olice Officer Jeffrey Mi	naya used physical f	orce					
C . PO Devon Ruiz		Abuse: Police Officer Devon Ruiz threatened § 87(2)(b) with the use of force.							
D . Officers	Force: Of	fficers used physical for	rce against § 87(2)(b)						
E . PO Jeffrey Minaya	Force: Po against	Force: Police Officer Jeffrey Minaya used physical force against \$87(2)(0)							
F . PO Devon Ruiz	Abuse: P	Abuse: Police Officer Devon Ruiz searched § 87(2)(6)							
G . PO Jeffrey Minaya	Abuse: P	Abuse: Police Officer Jeffrey Minaya frisked § 87(2)(6)							
H . PO Devon Ruiz	Abuse: P	olice Officer Devon Ru	iiz frisked § 87(2)(6)						
I . PO Jeffrey Minaya	Abuse: P	Abuse: Police Officer Jeffrey Minaya forcibly removed to the hospital.							
J . PO Devon Ruiz		Abuse: Police Officer Devon Ruiz forcibly removed [§ \$7(2)(6)] to the hospital.							
K . PO Jeffrey Minaya	Abuse: P	Abuse: Police Officer Jeffrey Minaya failed to provide with a business card.							
L . PO Devon Ruiz		olice Officer Devon Ru with a business card.	iz failed to provide	87(2)(ъ	)				

## **Case Summary**

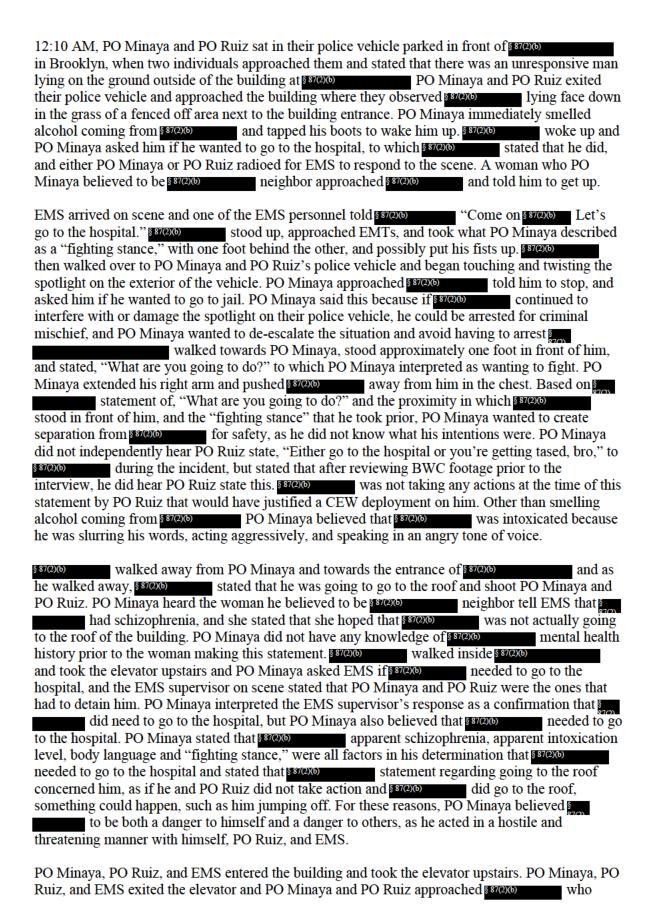
This incident was reported to the NYPD Internal Affairs Bureau on June 1, 2023. IAB generated original log #887(2)(6). The CCRB received the IAB spin-off log on June 8, 2023.

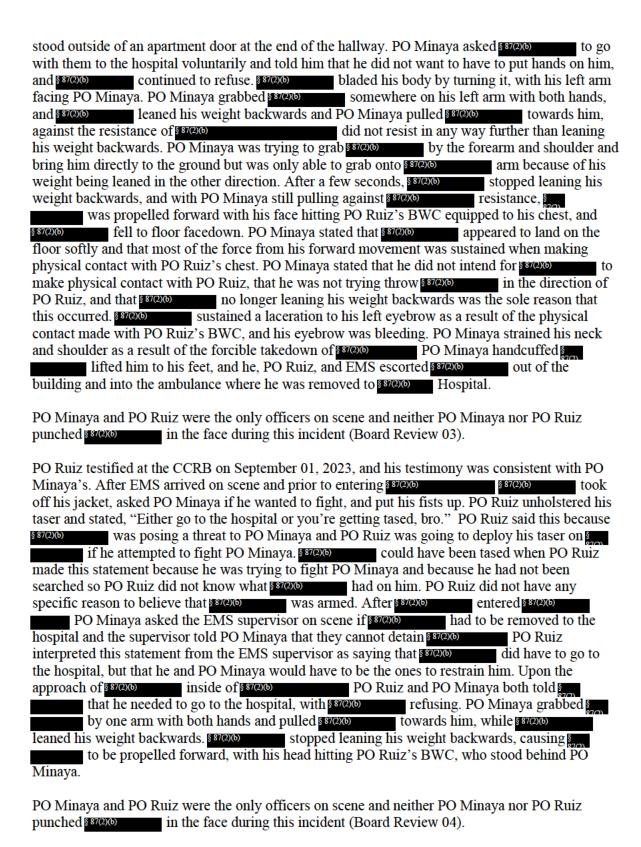






CCRB CTS – Confidential Page 2





According to NY CLS Penal § 145.00, a person is guilty of criminal mischief in the fourth degree when, having no right to do so nor any reasonable ground to believe that they have such right, they intentionally damage property of another person (Board Review 05).

According to NYPD Patrol Guide Procedure 216-01, in cases where officers are rendering aid to a person, officers shall cooperate with ambulance/hospital personnel in every reasonable manner, including removal decisions made by emergency medical services personnel (Board Review 06).

NYPD Patrol Guide Procedure 221-13 defines an "emotionally disturbed person," as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others, and instructs that officers remove such persons to a hospital for evaluation (Board Review 07).

According to NYPD Patrol Guide Procedure 221-01, force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances (Board Review 08).

According to NYPD Patrol Guide Procedure 221-08, a CEW should only be used against individuals who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or others actually present (Board Review 09).

§ 87(2)(g)
BWC revealed that did appear to be making physical contact with the police vehicle spotlight prior to PO Minaya's threat of arrest, \$87000
BWC revealed that prior to PO Minaya pushing \$87000 asked him if he wanted to fight, took off his jacket, and took a step towards PO Minaya, standing in close proximity to him.
PO Ruiz's statement of, "Either go to the hospital or you're getting tased, bro," was made directly after street asked PO Minaya if he wanted to fight, took off his jacket, took a step towards PO Minaya, and was pushed by PO Minaya, however did not take any physical actions during this time other than stepping in close proximity to PO Minaya.
BWC revealed that PO Minaya and PO Ruiz were the only officers on scene and neither PO Minaya nor PO Ruiz punched [587(2)(6)] in the face during this incident. [587(2)(9)]

BWC revealed that at the time that PO Minaya grabbed and threw stow into PO Ruiz, was verbally refusing to go to the hospital but was not physically resisting. At the time that PO Minaya grabs stow arm, stow places his hands up and does not physically resist PO Minaya in any way.
While \$\$7000 stated that he requested medical treatment during this incident, BWC revealed that \$\$7000 repeatedly refused medical treatment before being detained and forcibly removed to the hospital.
Based on the EMS personnel's statement of, "You're going to the hospital," to statement of, "I mean. We can't detain him and take him. That's on you guys," in response to PO Minaya asking if \$87000 needed to be removed to the hospital, \$87000
Allegation (F) Abuse of Authority: Police Officer Devon Ruiz searched \$870,00  Allegation (G) Abuse of Authority: Police Officer Jeffrey Minaya frisked \$870,00  Allegation (H) Abuse of Authority: Police Officer Devon Ruiz frisked \$870,00
PO Minaya stated that once was brought outside to the ambulance and prior to being removed to the hospital, he frisked waistband and right pants pockets. Minaya stated that it is standard procedure during an "EDP" removal to the hospital to frisk an individual prior to them being placed in an ambulance to ensure that they do not have a weapon. PO Minaya did not have any articulable reason to believe that was armed and stated that his frisk was performed solely as standard procedure (Board Review 03).
PO Ruiz stated that once was brought outside to the ambulance, he saw the head of a screwdriver sticking out of right pants pocket, so he removed the screwdriver, and proceeded to frisk and search for two right pants pockets. So he removed the screwdriver, and proceeded to frisk and search for two right pants pockets. So he removed the screwdriver, and proceeded to frisk and search for two right pants pockets. For Ruiz frisked and searched for the handle of a razor, a lighter, and a wig in his pockets. PO Ruiz frisked and searched for the ensure that he did not have any weapons, as it is standard NYPD procedure to ensure that an individual does not have any weapons on them prior to being removed to the hospital in an ambulance. PO Ruiz did not have any articulable reason to believe that for the hospital in an ambulance. PO Ruiz did not have any articulable reason to believe that for the hospital in an ambulance pockets even if he did not see the handle of a screwdriver sticking out of his right pants pocket (Board Review 04).
by PO Ruiz, and the frisk of by PO Ruiz, and the frisk of by PO Ruiz enters by PO Ruiz enters right pants pocket and pulls out two screwdrivers. He then reaches into his right pants pocket a second time, asks s

time and pulls out a razor handle before reaching into 1870/100 right pants pocket a fourth time. At 21:15, PO Minaya pats down the exterior of section left pants pockets, while PO Ruiz simultaneously pats down the exterior of § 87(2)(6) right pants pockets (Board Review 01). According to People v. De Bour, 40 N.Y.2d 210 (1976), a police officer has the authority to frisk if the officer reasonably suspects that he is in danger of physical injury by virtue of a detainee being armed (Board Review 10). According to NYPD Patrol Guide Procedure 212-11, a frisk is authorized when an officer reasonably suspects that a person is armed and dangerous. Following a frisk, a search is authorized only when the frisk reveals an object that the officer reasonably suspects to be a weapon, in order to remove the weapon (Board Review 11). PO Ruiz entered pants pockets prior to conducting a frisk of \$87(2)(6) pants pockets. § 87(2)(g) Allegation (K) Abuse of Authority: Police Officer Jeffrey Minaya failed to provide [887(2)(6)] with a business card. Allegation (L) Abuse of Authority: Police Officer Devon Ruiz failed to provide \$3000 with a business card. PO Minaya stated that PO Ruiz rode in the ambulance with strong to the strong Hospital while he followed in his police vehicle. Once at the hospital, strong was placed in a bed and PO Minaya was taken to a separate hospital room to be treated for the neck and shoulder strain sustained as a result of this incident. PO Minaya was at the hospital for approximately four to five hours and saw § 87(2)(6) leave the hospital before him but did not have any further interaction with him. PO Minaya stated that because this interaction involved a forcible takedown, it required PO Minaya to preemptively offer or provide \$37000 with a business card at its conclusion. PO Minaya did not offer or provide with a business card at any point during this incident and stated that he would have, but because \$87000 left the hospital prior to PO Minaya being discharged, he did not have an opportunity to do so (Board Review 03). PO Ruiz stated that he did not believe that he offered or provided \$370,000 with a business card during this incident. Based on his interaction with \$87000 during this incident, PO Ruiz did not believe that this was an interaction that required him to preemptively offer or provide with a business card at its conclusion (Board Review 04). PO Minaya's second BWC captured his and PO Ruiz's interactions with \[ \begin{align\*} \text{STCOO} \] hospital, in which both officers spent 19 minutes waiting with \$87(2)(6) and EMS inside of the

and PO Minaya obtaining medical treatment (Board Review 01). According to New York City Administrative Code 14-174, officers must offer or provide a business card to any individual with which they conduct a law enforcement activity, including stops and frisks, at the conclusion of any such activity that does not result in an arrest or summons (Board Review 12). According to NYPD Administrative Guide 304-11, officers are required to provide right to know business cards upon the conclusion of law enforcement activities, except in cases when a summons is issued or an arrest is made, or exigent circumstances are present (Board Review 13). PO Minaya and PO Ruiz both engaged in law enforcement activity that would have required them to preemptively offer or provide with a business card. PO Minaya acknowledged that he did not offer or provide \$87(2)(6) with a business card during this incident, while PO Ruiz did not believe that he did. \$87(2)(g) **Civilian and Officer CCRB Histories** This is the first CCRB complaint to which \$370,000 has been a party (Board Review 14). PO Ruiz has been a member of service since July 08, 2015, and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g) PO Minaya has been a member of service since October 11, 2016, and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. §87(2)(g) Mediation, Civil, and Criminal Histories This complaint was not suitable for mediation. As of September 26, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (Board Review 17). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

## **RPBP History**

• This compla	aint did not contain any aire	gations of Racial Profiling/Blas-Ba	sed Policing.
Squad:	8		
Investigator:	Nicholas Kuczek Signature	Investigator Nicholas Kuczek Print Title & Name	09/29/2023 Date
Squad Leader: _	Ethan De Angelo Signature	IM Ethan De Angelo Print Title & Name	09/30/2023 Date
Reviewer:	Signature	Print Title & Name	Date